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EXAMINER				
BURCH, MELODY M				
ART UNIT		PAPER NUMBER		
3657				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,800

Applicant(s)

MIEZE ET AL.

Examiner

Melody M. Burch

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 16-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 8/14/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of a primary transmission and, particularly, a primary transmission embodied as a worm gear as recited in claims 16 and 17, respectively, and the limitation of an electric motor as recited in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

4. Claims 16-28 are objected to because of the following informalities:
- In claim 16 the phrase "a secondary transmission" in line 2 of claim 16 is objected to because Applicant recited a secondary transmission before reciting a primary transmission;
 - In claim 20 the phrase "each roller" lacks proper antecedent basis;
 - In claim 21 the phrase "the at least one assigned roller" lacks proper antecedent basis;
 - In claim 22 the phrase "the respective assigned roller" lacks proper antecedent basis;

- In claim 23 the phrase "the respective assigned roller" lacks proper antecedent basis;
- In claim 24 the phrase "the respective assigned roller" lacks proper antecedent basis;
- In claim 25 the phrase "the at least one assigned roller" lacks proper antecedent basis.
- The remaining claims are objected to due to their dependency from claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 19, 23, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 19 and 30. The phrase "an assigned roller" and "at least one additional roller" in lines 3 and 5 of claim 19 are indefinite. It is unclear to the Examiner whether the rollers recited in lines 3 and 5 of the claim are intended to be the same or different from the at least two rollers recited in line 2 of claim 19. Also the phrase "at least two rollers" in line 2 of claim 19 is indefinite because it is unclear whether the rollers in claim 19 include the rotating roller of claim 16. A similar issue exists in claim 30.

Re: claims 19 and 30. The phrase "which device" in line 2 from the bottom of claim 19 is indefinite. It is unclear to the Examiner whether the device intends to refer to the braking device or to the roller. A similar issue exists in line 2 from the bottom of claim 30.

Re: claim 23. The phrase "a tension device" is indefinite. It is unclear to the Examiner as to which element constitutes the tension device. As best understood from the disclosure element 12 is the brake module. The other element number 13 is not shown to be arranged between the braking module and the respective assigned roller. Clarification is required.

Re: claim 30. The phrase "a tension element" in lines 3-4 is indefinite. It is unclear to the Examiner whether the tension element in lines 3-4 is intended to be the same or different from the tension element recited in claim 29.

Re: claim 30. The phrases "one end" and "the other end" are indefinite. It is unclear to the Examiner as to which end Applicant intends to refer to. Examiner recommends the use of such terms as --first end-- and --second end-- to avoid confusion.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 1839487 to Lorgion in view of US Patent 2929142 to Rambo et al. and WIPO 01/0158738 (WO'738).

Re: claims 16, 18, 26, 27 and 29. Lorgion shows in figures 1 and 3 a braking device for a vehicle in which, to actuate at least one braking module 13,14,15, 16, a secondary transmission which is embodied as a block and tackle as shown in figure 3 is provided to transmit a force between a primary transmission 31 and the at least one braking module, wherein the block and tackle is arranged in a housing 17 and has a tension element 38, one end of the tension element being fastened to a member, which is arranged in the housing, on a loading device 22 which is operated.

Lorgion is silent with regards to the member being a rotating roller.

Rambo et al. teach in figure 3 the use of tension element having one end fastened to a rotating roller 68.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the end of the tension element of Lorgion to have been fastened to a rotating roller, as taught by Rambo et al., in order to provide a means of continuously increasing tension on the tension element through rotation.

Lorgion, as modified, is silent with regards to an operation which can be electromotive.

WO'738 teaches in figure 2 the use of a braking device having a loading device 48 which can be electromotively operated via element 15.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the loading device of Lorgion, as modified, to have been able to be electromotively operated, as taught by WO'738, in order to provide a means of automating the manual process.

Re: claim 17. Lorgion, as modified, is silent with regards to the primary transmission being embodied as a worm gear.

WO'738 teaches on pg. 10 lines 25-26 the use of a primary transmission in the form of a worm gear.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the primary transmission of Lorgion, as modified, to have been a worm gear, as taught by WO'738, in order to provide a means of cooperating with an electromotive device or a mechanical manual device to actuate the braking device.

Re: claims 19, 20, 21, 22, 24, and 30. Lorgion, as modified, teaches in figure 3 of Lorgion the braking device in which the block and tackle has the tension device 38 and at least two rollers 27,29 which interact, and the at least one braking module interacts with an assigned roller, the tension element being anchored at one end 39 and being guided at least over the one assigned roller 27 and at least one additional roller 29 and being connected at the other end shown in the area of element 22 to the electromotive loading device, as modified by means of the rotating roller, as modified, in which device loading the tension element changes the state of the at least one braking module by moving the assigned roller as shown in figures 3 and 4.

Re: claim 23. Lorgion, as modified, teaches in figure 3 the limitation wherein a tension device 40 is arranged between the at least one braking module 13,14 and the respective assigned roller 29.

Re: claim 25. Lorgion, as modified, teaches in figure 3 wherein at least one assigned roller 27 is arranged on a holding device 19 in a moveable manner.

Re: claim 28. WO'738 teaches on pg. 1 lines 17-22 the use of an at least on braking module being embodied as a parking brake.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the at least one braking module of Lorgion, as modified, to have been embodied as a parking brake, as taught by WO'738, in order to provide a means of maintaining a stopped position of a car on a sloped road.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 6655507 to Miyakawa et al. and 5927442 to Liao teach the use of brake devices including tension elements. US Patent 1704438 teaches the use of a cable in the form of a chain.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
March 2, 2009

/Melody M. Burch/
Primary Examiner, Art Unit 3657